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3727

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Brifcani et al.

Serial No.: 10/024,862

Group Art Unit: 3727

Filing Date: December 18, 2001

Examiner: W. Hong

For: CAN END AND METHOD FOR FIXING THE SAME TO A CAN BODY

EXPRESS MAIL LABEL NO: EL 928560509 US
DATE OF DEPOSIT: October 11, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

EL 928560509US

Dear Sir:

INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

- ☒ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first office action after the filing of request for continued examination under §1.114, no additional fee is required.
- ☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐the first or ☐second After Final Submission, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or

- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or before an action that otherwise closes prosecution in the application, therefore:
- ☐ Certification in Accordance with §1.97(e) is attached; or
- ☐ The fee of \$180.00 as set forth in §1.17(p) is attached.
- ☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with §1.97(e); and the submission fee of \$180.00 as set forth in §1.17(p).
- ☒ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 are enclosed

herewith

EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ In accordance with §1.98(d), copies of the following references listed on the attached Form PTO-1449 are not enclosed herewith because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application(s) for which a claim for priority under 35 U.S.C. §120 have been made in the instant application:

☐ Copies of references @@ listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. @@ filed @. Reference @@ listed on the attached Form PTO-1449 was previously cited by the U.S. Patent and Trademark Office in prior application Serial No. @@ filed @.

☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050.

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Please note the following:

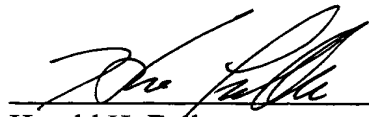
In addition to references cited in the parent applications, the enclosed Form PTO-1449 includes other references, including those that have been cited in an Opposition proceeding in the European Patent Office relating to a foreign patent.

Reference "CI", entitled "Beverage Can 'Mini Seams'," is an undated manual that was printed in the mid-1980's by CMB, which is now commonly owned with the assignee of the present invention, and distributed to over 200 customers and freely circulated for several years.

Reference "CJ", entitled "Modern Beverage Can Double Seaming," is a brochure bearing the designation "Continental Beverage Packaging" a "Division of Continental Can Company, Inc.," and is undated. It has been asserted in a foreign patent proceeding that this brochure is prior art because the Continental Beverage Packaging division of Continental Can Company, Inc. was purchased by Crown Cork & Seal in the early 1990's, and therefore no publication could have been published under the Continental name after that time. Applicants have been unable to verify such assertion. Applicants note, however, that much of the subject matter shown in this brochure is shown in Reference "CI", entitled "Beverage Can 'Mini Seams'."

Reference "BZ" German utility G 9211788.0, which is not in the English language, has been cited in a parent application.

Date: October 11, 2002


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